

### § 1202.3

### 16 CFR Ch. II (1–1–97 Edition)

(e) *Conclusion.* The Commission finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with matchbooks and that the issuance of the standard is in the public interest.

#### § 1202.3 Definitions.

In addition to the definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052), the following definitions apply for the purpose of this standard:

(a) *Bookmatch* means a single splint, with a matchhead attached, that comes from a matchbook.

(b) *Bridge* means the matchhead material held in common by two or more splints.

(c) *Broken bridge* means a bridge that has become separated.

(d) *Caddy* means a package of two or more matchbooks wrapped or boxed together at a production plant.

(e) *Comb* means a piece of wood, paper, or other suitable material that has been formed into splints, that remain joined at their base, and that are designed to have matchheads attached to their tips.

(f) *Cover* means the paperboard or other suitable material that is wrapped around and fastened to the comb(s).

(g) *Friction* means the dried chemical mixture on the matchbook cover used to ignite the bookmatch.

(h) *Match* means a single splint with matchhead attached.

(i) *Matchbook* means one or more combs with matchheads attached and a cover that is wrapped around and fastened to those combs.

(j) *Matchhead* means the dried chemical mixture on the end of a splint.

(k) *Splint* means the support for the matchhead or that portion normally held when using the bookmatch.

#### § 1202.4 Matchbook general requirements.

A matchbook shall meet the following general requirements:

(a) The friction shall be located on the outside back cover near the bottom of the matchbook.

(b) The cover shall remain closed without external force.

(c) No friction material shall be located on the inside of the cover where possible contact with the matchheads may occur during ordinary use.

(d) There shall be no bridge(s) or broken bridge(s).

(e) No matchhead in the matchbook shall be split, chipped, cracked, or crumbled.

(f) No portion of any matchhead shall be outside the matchbook cover when the cover is closed.

(g) No part of a staple or other assembly device for securing the cover and combs shall be within or touching the friction area.

(h) A staple used as an assembly device for securing the cover and combs shall be fully clinched so that the ends are flattened or turned into the cover.

#### § 1202.5 Certification.

Certification shall be in accordance with section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)). Under this provision, manufacturers and private labelers of products subject to safety standards must certify that their products conform to the standard, based on either a test of each product or on a reasonable testing program.

#### § 1202.6 Marking.

(a) The manufacturer's or private labeler's name and city or a symbol which will identify the name and city shall appear on the matchbook. In addition, every private labeler must label the matchbook with a code which enables it to identify, if requested, the manufacturer of the product.

(b) Boxes or cartons in which two or more caddies are shipped shall be marked "For safety, store in a cool, dry place."

#### § 1202.7 Prohibited stockpiling.

Section 9(d)(2) of the Consumer Product Safety Act (15 U.S.C. 2058(d)(2)) authorizes the Commission to prohibit manufacturers and importers from stockpiling a product subject to a consumer product safety standard between its date of issuance and its effective date. A manufacturer or importer is in violation of Section 9(d)(2) and of this section if it fails to comply with the following:

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(a) *Definitions.* (1) *Base period* means, at the option of the manufacturer or importer concerned, any period of 365 consecutive days beginning on or after January 1, 1973, and ending on or before December 31, 1975.

(2) *Rate of production (or importation)* means the total number of matchbooks manufactured (or imported) during a stated time period. In determining whether a matchbook was manufactured during a stated time period, the date on which the cover and combs were assembled to form a matchbook shall be used. In the event that a manufacturer currently operates a matchbook manufacturing plant that it did not operate during the base period, or that it did not operate for an entire base period, that manufacturer shall use, as the rate of production during the base period for that plant, either (i) the average daily rate of production (including nonproduction days such as Sundays, holidays, and vacations) for the part of the base period he did operate that plant, multiplied by 365 or (ii) the rate of production during the base period of his most nearly similar matchbook manufacturing plant.

(b) *Prohibited act.* Manufacturers and importers of matchbooks, as these products are defined in §1202.3(i), shall not manufacture or import matchbooks that do not comply with the requirements of this part between the date that this part is issued and the date that it becomes effective at a rate that is greater than the rate of production or importation during the base period plus 15 percent of that rate.

(c) *Documentation.* Manufacturers and importers shall maintain, for a period of six (6) months after the effective date specified in §1202.1(b), appropriate documentation to be able to substantiate to the Commission that they are in compliance with the provisions of this section.

### PART 1203—SAFETY STANDARD FOR BICYCLE HELMETS

Sec.

1203.1 Purpose and basis.

1203.2 Scope and effective date.

1203.3 Interim safety standards.

AUTHORITY: Secs. 201-207, Pub. L. 103-267, 108 Stat. 726-729, 15 U.S.C. 6001-6006.

SOURCE: 60 FR 15232, Mar. 23, 1995, unless otherwise noted.

#### § 1203.1 Purpose and basis.

The purpose and basis of this rule is to protect bicyclists from head injuries by ensuring that bicycle helmets comply with the requirements of appropriate existing voluntary standards, as provided in 15 U.S.C. 6004(a).

#### § 1203.2 Scope and effective date.

(a) Bicycle helmets manufactured after March 15, 1995, shall comply with the requirements of one of the standards specified in §1203.3. This requirement shall be considered a consumer product safety standard issued under the Consumer Product Safety Act.

(b) A bicycle helmet is any headgear marketed as suitable for providing protection from head injuries associated with bicycle use.

(c) These interim mandatory safety standards will not apply to bicycle helmets manufactured after the effective date of a final bicycle helmet standard to be issued in the future by the Commission.

#### § 1203.3 Interim safety standards.

(a) Bicycle helmets must comply with one or more of the following standards, which are incorporated herein by reference:

(1) American National Standards Institute (ANSI) standard Z90.4-1984, Protective Headgear for Bicyclists,

(2) ASTM standards F 1447-93 or F 1447-94, Standard Specification for Protective Headgear Used in Bicycling, incorporating the relevant provisions of ASTM F 1446-93 or ASTM F 1446-94, Standard Test Methods for Equipment and Procedures Used in Evaluating the Performance Characteristics of Protective Headgear, respectively,

(3) Canadian Standards Association standard, Cycling Helmets CAN/CSA-D113.2-M89,

(4) Snell Memorial Foundation (Snell) 1990 Standard for Protective Headgear for Use in Bicycling (designation B-90),

(5) Snell 1990 Standard for Protective Headgear for Use in Bicycling, including March 9, 1994 Supplement (designation B-90S),